

Application No. 09/742,720  
Response to Final Rejection dated December 16, 2004  
Reply to Final Office Action dated September 24, 2004  
Express Mail EV406623013US

### Remarks/Arguments

The Office Action dated September 24, 2004, has been noted, and its contents carefully studied. In light of the foregoing amendments, entry of the Amendment and reconsideration of the rejection under 35 U.S.C. §102 and/or §103, is courteously requested.

In this regard, it is believed that the amendments do not introduce new issues and should be allowed entry because they merely incorporate in the independent claims features previously claimed in dependent claims. More specifically, the limitations of claims 3 and 5 have now been added to independent method claim 1, and claim 9 has been rewritten to incorporate the limitation of claims 11, 12 and 14. As such, no new issues are introduced. Further, in the event the Examiner remains un-persuaded about the allowability of the claims, the amended claims further crystallize the features of the invention and better set the application in condition for appeal.

In this regard, it is specifically noted that method claim 1 has been amended to further require that the interprocess communications facility is a transport layer interface and that the transferring of data further comprises detecting any errors in the data transferring step, and if errors are detected, setting pointers to null and transferring the data through the connection oriented protocol.

Claim 9 has been amended in a similar manner.

It is believed that these limitations clearly distinguish over the cited references, as will become more fully evident from the following detailed discussion presented herein.

### U.S. Patent No. 5,682,534 to Kapoor et al.

U.S. Patent No. 5,682,534 to Kapoor et al. (hereinafter "Kapoor") has been previously discussed and discloses a method for managing communication between a client process and a server process in a distribution environment. As already discussed, when a client process makes a remote procedure call, it first detects whether a server process identified by the remote procedure call is located on the host computer. If so, a binding handle vector is returned to the client process and the protocol sequence in the binding handle is then mapped to a second

Application No. 09/742,720  
Response to Final Rejection dated December 16, 2004  
Reply to Final Office Action dated September 24, 2004  
Express Mail EV406623013US

protocol sequence that establishes an interprocess communication path between the client and server processes.

As also previously discussed, Kapoor teaches a separate local RPC which is established as part of the operating system of the same host machine, such that the communication is migrated from the original interprocess communications facility to a separate and dedicated RPC mechanism.

With respect to the rejection as applied to claims 3, 11-13, the section cited by the Examiner merely states that if any error occurred in the transmit or receive using UNIX streams, to try again transmitting/receiving using the original rpc-addr. In this context, reference is made to line 1 of column 12 which clearly teaches that the communication is implemented into the RPC address structure which is a separate and dedicated structure, as already discussed, and which is different from Applicants' claimed invention wherein the interprocess communications facilities are defined as being sockets having connection oriented protocol associated therewith. As already noted, Kapoor is like the discussion of the prior art where high performance is achieved by setting pointers directly between connections that do not use connection oriented protocol, i.e., which are separate from the interprocess communications facilities which are sockets, as is clearly defined in Applicants' claims.

U.S. Patent No. 5,926,636 to Lam et al.

U.S. Patent No. 5,926,636 to Lam et al. (hereinafter "Lam") was also previously discussed. In many ways, the teachings of Lam are similar to those of Kapoor in which a dedicated RPC is called by a component management API to send a message to an RPC command module. The RPC module processes the local message transfer RPC command, and packages the message for transfer as a packaged RPC over a heterogeneous network

With respect to detecting compatibility, it is acknowledged that the server component management API parses the message to determine the computer architecture of the client computer. With this information, the API reads the version specified in the message and if the specified version is incompatible with the version of the server component management API, a

Application No. 09/742,720  
Response to Final Rejection dated December 16, 2004  
Reply to Final Office Action dated September 24, 2004  
Express Mail EV406623013US

reply indicating a version incompatibility is transmitted to a remote client application and otherwise the message is processed further by the server component management API.

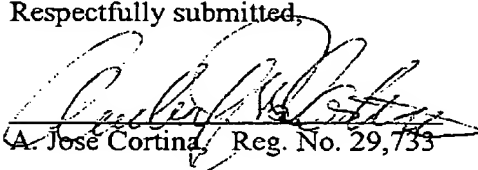
In this regard, it is noted that if addressing formats are not compatible, the interface converts the message to an addressing format compatible with the server computer, but this has nothing to do with Applicants' claimed invention wherein data is transferred between the client and the server via conventional connection oriented protocol connection if the client interprocess connection facility, within the same facility, are not compatible.

For the foregoing reasons, it is respectfully urged that the amendments to the claims do not introduce new issues and should be entered as a matter of right because they merely incorporate features of the previously considered dependent claims into the independent claims and because, should the Examiner remain unpersuaded, places the case in better condition for appeal and crystallizes the issues for the Appeal Board.

Nonetheless, it is still also respectfully urged that all the claims clearly define patentable subject matter under 35 U.S.C. §102 and/or §103. Should the Examiner have any comments, questions or suggestions of a nature necessary to expedite prosecution of the application or to place the case in condition for allowance, he is courteously requested to telephone the undersigned at the number listed below.

Dated: December 16, 2004

Respectfully submitted,

  
A. Jose Cortina, Reg. No. 29,733

Daniels Daniels & Verdonik, P.A.  
P.O. Drawer 12218  
Research Triangle Park, NC 27709  
Voice 919.544.5444  
Fax 919.544.5920  
Email jcortina@d2vlaw.com

Enclosures

F:\CLA\1301-006\Prosecution\Response Final Rejection.doc